

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Paul Edward Johnson,

Case No. 24-cv-1065 (ECT/DJF)

Plaintiff,

**ORDER**

v.

Kevin Stahl et al.,

Defendant.

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This matter is before the Court on Mr. Johnson's Letter to the Magistrate Judge (ECF No. 35), in which he requests the appointment of counsel (*id.* at 2). The Court construes this request as a motion to appoint counsel and denies the motion for the reasons given below.

There is no constitutional or statutory right to appointed counsel in civil cases. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). Rather, the appointment of counsel is a matter of the Court's discretion. *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir. 1997); *Mosby v. Mabry*, 697 F.2d 213, 214 (8th Cir. 1982). Factors to consider in deciding whether to appoint counsel include: "(1) the factual complexity of the issues; (2) the ability of the indigent person to investigate the facts; (3) the existence of conflicting testimony; (4) the ability [of the] indigent person to present the claims; and (5) the complexity of the legal arguments." *Crozier v. Westside Cmty. Sch. Dist.*, 973 F.3d 882, 889 (8th Cir. 2020) (citing cases).

Mr. Johnson argues that appointment of counsel would serve the interests of justice (ECF No. 35 at 2). Although the Court recognizes his desire for the appointment of counsel, it does not find that litigating this action will be factually or legal complex, or that Mr. Johnson lacks the ability to investigate the facts or present his arguments to the Court. Mr. Johnson's relative lack of understanding of the legal system and lack of access to assistance are not, alone, sufficient to warrant the appointment

of counsel as these facts do not distinguish his case from the myriad other claims brought by pro se litigants. The Court denies Mr. Johnson's motion on these grounds.

**SO ORDERED.**

Dated: May 28, 2024

*s/ Dulce J. Foster*

Dulce J. Foster

United States Magistrate Judge